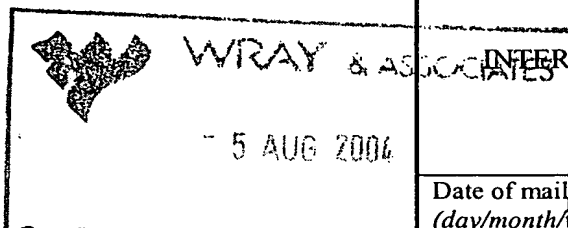


# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

WRAY & ASSOCIATES  
Level 4 The Quadrant  
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PERTH WA 6000



## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) - 5 AUG 2004

Applicant's or agent's file reference  
111917

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/000892**

International filing date (day/month/year)  
2 July 2004

Priority date (day/month/year)  
7 July 2003

International Patent Classification (IPC) or both national classification and IPC  
Int. Cl. <sup>7</sup> B63B 35/73, 35/79, 35/85, 1/36

Applicant  
MURPHY, Daniel Thomas et al

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU  
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/000892**

**Box No. I      Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/000892**

**Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <b>20, 33-36, 38</b>	<b>YES</b>
	Claims <b>1-19, 21-32, 37, 39-42</b>	<b>NO</b>
Inventive step (IS)	Claims	<b>YES</b>
	Claims <b>1-42</b>	<b>NO</b>
Industrial applicability (IA)	Claims <b>1-42</b>	<b>YES</b>
	Claims	<b>NO</b>

**2. Citations and explanations:**

D1	US 3879782	Claims: 1-5, 7-19, 21-24
D2	JP 11171087	Claims: 1, 2, 4
D3	JP 09099131	Claims: 1, 2, 4, 5, 7, 9, 10, 11, 14, 22, 24
D4	DE 4327723	Claims: 1, 2, 4, 5, 7, 9, 10, 11, 14, 22, 24
D5	WO 1999/004870	Claims: 1, 2, 4, 6, 15, 16, 22, 24, 25, 26, 27, 37, 39
D6	WO 2001/034921	Claims: 25-32, 39
D7	DE 2804637	Claims: 25-32, 39
D8	WO 2002/020915	Claims: 25-32, 39

NOVELTY (N) Claims 1-19, 21-32, 37, 39

The invention as defined in claims 1-19, 21-24, 26, 27, 37, 39 is not novel in light of the disclosures in D1-D6, for example, D1 describes a surfboard including the following features:

- Sportsboard      Surfboard
- Main portion      16
- Edge portion separable from main portion      20
- Connection means      22-26, 28
- Tongue like configuration      22
- Symmetrical tail portion      see figure 2
- Fastening means      32

The connection means being separable and not integral with the main or tail portion is disclosed in D5 see figure 8.

D6-D8 discloses a connection means which is separate from the main portions but may be integrally manufactured with the main portion, that is the panel. Although there is no mention of its application for sports boards, it is capable of connecting the main portion of a sports board with an edge portion.

**Continued on Supplement page**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000892

**Box No. VIII**    **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Note: Claim 25 has been interpreted to include within its scope connection means which *can be used or are capable of* connecting a main portion to an edge portion of a sports board and does not include the main and edge portions of the sports board.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.

**PCT/AU2004/000892**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V.2

**INVENTIVE STEP Claims 1-42**

Claims 1-19, 21-32, 37, 39, 37, 39 As per Box v.2 for Novelty

Claims 20, 33 -36, 38, 40-42

Appended claims 20, 33 -36, 38, 40-42 relate to parameters or structures that are merely matters of design choice when the general technical knowledge about the state of the art is used and hence they cannot contribute to patentable invention. For example, Claim 20 defines the edge portion as a nose section as opposed to a tail section; merely applying the same technique of connection, to a nose section instead of a tail section is not considered to involve an inventive step. Similarly, applying the inventive concept to a section wherein the abutting portion is non- linear is similarly non-inventive.